

## Message Text

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ACTION ACDA-10

INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 ERDA-05 AF-08 ARA-06

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NASA-01 NEA-10

NSAE-00 NSC-05 OIC-02 SP-02 PA-01 PRS-01 OES-06 SS-15

USIA-06 SAJ-01 ACDE-00 /128 W  
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P R 011930Z SEP 76

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 2189

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY THE HAGUE

AMEMBASSY OTTAWA

AMEMBASSY ROME

AMEMBASSY STOCKHOLM

AMEMBASSY TOKYO

USMISSION USUN NY

USMISSION NATO

ERDA HQ WASHDC

ERDA GERMANTOWN

NOAA ROCKVILLE MD

C O N F I D E N T I A L GENEVA 6972

DISTO

E.O. 11652: GDS

TAGS: PARM

SUBJECT: CCD-ENMOD WORKING GROUP FORWARDS DRAFT CONVENTION  
TEXT TO PLENARY

REF: A. GENEVA 6870, B. STATE 216409

1. IN ITS FINAL MEETING SEPT 1 ENMOD WORKING GROUP ADOPTED  
REPORT TO CCD PLENARY FORWARDING COMPLETE DRAFT CONVENTION  
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TEXT UNCHANGED IN SUBSTANCE FROM THAT TRANSMITTED IN REF A.

2. DURING MEETING AUG 30-SEPT 1 THE WORKING GROUP MADE THE FOLLOWING EDITORIAL CHANGES IN TEXT:

(A) IN ARTICLE I PARA 1, CHANGE "ANOTHER" TO "ANY OTHER" PRECEDING "STATE PARTY." (JAPAN PROPOSED THIS CHANGE TO BE CONSISTENT WITH USAGE ELSEWHERE IN TREATY).

(B) IN ARTICLE IV, CHANGE "ADD" TO "OR" BETWEEN "JURISDICTION" AND "CONTROL." ("MEASURES" WAS CORRECTLY PLURAL IN SECRETARIAT TEXT WHICH WAS BASIS FOR WORKING GROUP'S CONSIDERATION). (REF B, PARA 1).

(C) IN ARTICLE V, PARA 1, FOLLOWING "THE PROVISIONS OF," CHANGE "THIS" TO "THE". (JAPAN ASSERTED THERE WAS INCONSISTENCY IN USE OF "THIS" AND "THE" IN RELATION TO "CONVENTION;" IT WAS DECIDED TO USE " THIS" THE FIRST TIME CONVENTION IS MENTIONED IN A PARAGRAPH AND "THE" FOR ALL SUBSEQUENT MENTIONS IN SAME PARA).

(D) IN ARTICLE V, PARA 3, CHANGE "AND" TO "AS WELL AS" FOLLOWING "INFORMATION." (IT WAS ARGUED THAT "RELEVANT INFORMATION" NEED NOT NECESSARILY SUPPORT VALIDITY OF COMPLAINT).

(E) IN ARTICLE V, PARA 5, CHANGE "UNITED NATIONS CHARTER" TO "PROVISIONS OF THE CHARTER OF THE UNITED NATIONS". (AGAIN JAPAN PROPOSED THIS ON GROUNDS OF STYLISTIC CONSISTENCY).

(F) IN ARTICLE VIII PARA 2, CHANGE "THE" TO "THIS" BEFORE "CONVENTION." (SEE (C) ABOVE).

(G) IN ARTICLE IX, PARA 3, CHANGE "AFTER THE DEPOSIT OF INSTRUMENTS OF RATIFICATION" TO "UPON THE DEPOSIT WITH THE DESPOSTARY OF..." (THIS WAS A POLISH FORMULATION SUPPORTED INTER ALIA BY THE US AND INDIA, OFFERED IN RESPONSE TO A JAPANESE ARGUMENT THAT THE ORIGINAL WORDING WAS TOO IMPRECISE).

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(H) IN UNDERSTANDING RELATING TO ARTICLE II, CHANGE "DAMAGE, DESTRUCTION OR INJURY" TO "DESTRUCTION, DAMAGE OR INJURY." (US PROPOSAL TO RENDER LANGUAGE OF UNDERSTANDING CONSISTENT WITH ARTICLE I PARA 1).

3. A NUMBER OF DELEGATIONS MADE STATEMENTS FOR INCLUSION IN WORKING GROUP REPORT (WHICH WILL BE ANNEXED TO COMMITTEE'S REPORT TO UNGA). ARGENTINA AND MEXICO WERE PREDICTABLY

STRONGLY CRITICAL; SEVERAL OTHERS WERE LESS SO BUT STILL EXPRESSED VARIOUS RESERVATIONS. AT SOVIETS' INSTANCE AND TO PROVIDE BALANCE, AFTER USSR AND US DELS ANNOUNCED RECEIPT OF INSTRUCTIONS PERMITTING THEM TO ACCEPT TEXT WORKED OUT IN WORKING GROUP, US REP (MARTIN) ON BEHALF OF BOTH DELEGATIONS READ OUT BRIEF STATEMENT EXPRESSING GRATIFICATION THAT WORKING GROUP HAD WORKED OUT BROADLY AGREED TEXT THAT WOULD ACCOMPLISH THE MAIN OBJECTIVE OF EFFECTIVELY ELIMINATING DANGERS OF HOSTILE ENMOD USE.

4. THE LANGUAGE OF THE WORKING GROUP'S REPORT RELATING TO THE MODIFIED DRAFT TEXT AND COMMENTS THEREON PRESENTED A DIFFICULT PROBLEM. ARGENTINA AND MEXICO WERE ADAMANT AGAINST USE OF ANY FORMULATION INDICATING THAT THE TEXT REFLECTED AGREEMENT IN THE WORKING GROUP OR EVEN THAT IT REPRESENTED THE WORK PRODUCT OF THE GROUP AS SUCH. AFTER CONSULTATIONS INITIATED BY INDIA, THE FOLLOWING NEUTRAL FORMULATION WAS ADOPTED:

"DURING ITS DELIBERATIONS THE WORKING GROUP CONSIDERED MODIFICATIONS PROPOSED BY VARIOUS DELEGATIONS TO THE IDENTICAL TEXTS OF THE DRAFT CONVENTION CONTAINED IN DOCUMENTS CCD/471 AND CCD/472. THERE WAS AGREEMENT ON MANY OF THESE MODIFICATIONS BUT NO AGREEMENT ON OTHERS.

"THE TEXT OF THE DRAFT CONVENTION AS MODIFIED IS REPRODUCED IN THE FOLLOWING PARAGRAPHS. THE COMMENTS OF SOME DELEGATIONS ON THIS TEXT, AS WELL AS DISSENTING VIEWS OR RESERVATIONS, ARE GIVEN IN PARAS..... ."

5. IT IS NOT YET CLEAR WHAT FORMULATION CCD MIGHT ADOPT WITH RESPECT EITHER TO ITS ACCEPTANCE OF THE MODIFIED DRAFT  
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OR TO FORWARDING DRAFT TO UNGA. PLENARY WILL CONSIDER ENMOD WORKING GROUP'S REPORT MORNING OF SEPT 2; IT IS ANTICIPATED THAT ENTIRE SECTION OF CCD REPORT RELATING TO ENMOD WILL BE DEALT WITH ON THAT DATE, WITH FORMAL COMMITTEE ADOPTION OF ENTIRE REPORT AT PLENARY FRIDAY MORNING, SEPT. 3. CATTO

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## Message Attributes

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